

**REPORT - PLANNING COMMISSION MEETING
May 27, 2004**

Project Name and Number: WALNUT/MISSION (PLN2004-00189)

Applicant: Santa Clara Development Company

Proposal: To consider a Tentative Tract Map 7518, Preliminary Grading Plan and Private Street approval for twenty-five residential condominium units.

Recommended Action: Approve, based on findings and subject to conditions.

Location: 38987 Mission Boulevard (at Walnut Avenue) in the Central Planning Area.

APN: 507-0590-011-00

Area: 1.5 acres

Owner: Santa Clara Development Company

Agent of Applicant: John Wong, SWA Group; Gary Wincott, BKF Engineers; McLarand Vasquez & Partners

Environmental Review: A Mitigated Negative Declaration was approved on December 9, 2003 for the General Plan Amendment and Planned District rezoning.

Existing General Plan: Medium Density Residential, 15-18 units per acre

Existing Zoning: P-2004-00032 Planned District

Existing Land Use: Vacant

Public Hearing Notice: Public hearing notification is applicable. 52 notices were mailed to owners and occupants of property within a minimum radius of 300 feet from the site on the following streets: Queso Court, Ray Court, Lloyd Avenue, Matson Place, Mission Boulevard, Santos Court, and Morrison Canyon Road. The notices to owners and occupants were mailed on April 12, 2004. A Public Hearing Notice was delivered to The Argus newspaper on May 10, 2004 to be published by May 13, 2004.

Executive Summary: The applicant is requesting approval of a Tentative Tract Map 7518, Preliminary Grading Plan and Private Street to allow the construction of twenty-five for-sale townhouse style condominium units, including four Below Market Rate (BMR) units, on a currently vacant 1.5-acre site.

Background and Previous Action: On December 9, 2003, the City Council approved a General Plan Amendment and Preliminary and Precise Planned District for the construction of twenty-five for-sale townhouse style condominium units, including four BMR units, on a currently vacant 1.5-acre site.

Project Description: The applicant is requesting approval of a Tentative Tract Map 7518, Preliminary Grading Plan and Private Street. The proposed project is consistent with the previously approved Preliminary and Precise Planned District. The twenty-five units are to be developed with four unique floor plans within six distinct buildings.

Project Analysis: The proposed Tentative Tract Map 7518, Preliminary Grading Plan and Private Street are in conformance with the General Plan land use designation and the approved Planned District. The proposed project is in conformance with the Medium Density Residential, 15-18 units per acre General Plan land use designation for the project

site. The proposed use and design is consistent with the General Plan designation, because the project meets General Plan Housing and Land Use Goals and Policies as follows:

GOAL H 2: High quality and well designed new housing of all types throughout the City.

This project would be of a high quality design and construction, and would meet this goal. The applicant is proposing professionally designed, high quality craftsman-style architecture, which is both appropriate for and responds to surrounding development.

GOAL H 3: Housing affordable and appropriate for a variety of Fremont households at all economic levels throughout the City.

This project includes four (4) BMR units, and the varied size of the market-rate for-sale units provides a variety of housing opportunities for households of varying economic levels, with at least the four (4) BMR units available for moderate income households.

Policy LU 1.11: Appropriate transitions shall be encouraged between higher density residential areas and lower density areas, and between commercial areas and lower density residential areas. Transitions can be composed of streets, setbacks, open space, landscape and site treatments, building design and/or other techniques.

Transitions between the adjacent residential developments are accomplished by the separation of Mission Boulevard, Walnut Avenue, and Overacker Avenue and the existing railroad tracks. Additionally, the craftsman-style architecture of the development, as well as the general size (less than three stories), height, and massing, is consistent with lower density developments. The project appropriately transitions between existing developments.

Policy LU 1.23: A variety of unit types and sizes shall be encouraged within each multi-family project.

Within this 25 unit development, there are 12 units with 2 bedrooms, 13 units with 3 bedrooms, and a total of five different floor plans therefore providing a variety of unit types and sizes.

Landscaping: The applicant has developed a design for a “distinguishing feature for the corner of Walnut Avenue and Mission Boulevard “ per the Planned District conditions of approval. The design concept elevation will be available at the meeting.

Circulation/Access Analysis: The project site is located on the western corner of the Mission Boulevard and Walnut Avenue intersection. The applicant proposes two new driveways, one driveway on Mission Boulevard and one driveway on Walnut Avenue, to provide access to the project site. Both driveways shall be limited to right-turns in and out due to existing median islands on Mission Boulevard and Walnut Avenue.

On-site vehicle circulation is provided by a private vehicle access way (PVAW), a type of private street used for condominium and townhouse projects. Approval of the Planned District (P-2004-032) included some exceptions from the development policy for private vehicle access ways. The tentative map, preliminary grading plan, and private street applications have been prepared in conformance with the Planned District.

The exhibits provided include new information that was not provided with the Planned District application. The project civil engineer has added elements and incomplete dimensioning related to garage driveway aprons and adjacent planters. Landscape design elements are not part of this approval and all the conditions of approval of Planned District P-2004-032, including specific conditions related to minimum planter sizes, are incorporated by reference into the tentative map conditions of approval. Raised curbs shall be provided between garage driveway aprons and adjacent landscaped planter boxes.

Street Improvements: Mission Boulevard and Walnut Avenue bound two sides of the project site. Both streets are classified as arterials in the General Plan. Some of the required right-of-way, pavement, medians, curb, gutter, and sidewalk have been completed as part of past public works projects. This project is required to fulfill the right-of-way dedication requirements and complete the street improvements along the project frontage. The requirement for street right-of-way and improvements was included as part of the Planned District conditions of approval. The tentative map has been prepared in compliance with the Planned District.

Grading/Topography: The project site is predominantly flat, with low spots adjacent to the railroad property. Existing on-site grades vary between 81.5 feet to 77.5 feet. In order to provide a positive overland release of storm runoff, the applicant is proposing to install retaining walls adjacent to the railroad right-of-way. Additional retaining walls are shown along Mission Boulevard, as the site is being filled to accommodate the architecture of the condominium units.

Drainage: The Alameda County Flood Control and Water Conservation District (ACFC) designated the project site to drain into Zone 5, Line E, an existing 48-inch pipe located northwest of the project site. The subdivider is proposing to have the drainage area maps changed to permit this site to drain southeast into Zone 5, Line E-1. The storm drainage system is not approved as part of the tentative map or grading plan. All on-site and off-site storm drain improvements shall be subject to review and approval of both the City Engineer and the Alameda County Flood Control and Water Conservation District.

Urban Runoff Clean Water Program: The Federal Clean Water Act of 1972 and Water Quality Act (1987) require localities throughout the nation to obtain a National Pollutant Discharge Elimination System permit (NPDES) in order to discharge storm water into public waterways such as creeks, rivers, channels and bays. The applicant will comply with the City's Urban Runoff Clean Water Program in accordance with the NPDES requirements issued by the State's Water Quality Control Board.

Storm Water Pollution Prevention: Condition D-11 of the Planned District (P-2004-032) required the developer and project civil engineer to work with staff to incorporate additional storm water best management practices (BMPs) into the project design. The project civil engineer has proposed stenciling "No Dumping – Drains To Bay" and the use of drop-in filters for the storm drain inlets. The filters are designed to filter out debris and hydrocarbons, but tend to be ineffective at filtering out nutrients, which can be attributed to landscape maintenance and fertilizers. Staff feels that there may be additional opportunities to incorporate additional BMPs into the project design and has included a condition requiring the subdivider and project civil engineer to continue to work with staff to incorporate BMPs to the maximum extent practicable.

Geologic Hazards: The project site has recently been identified as an area of potential liquefaction on the preliminary Seismic Hazard Zones, Niles Quadrangle map, released by the State Geologist on April 19, 2004. It is anticipated that the map will become official on or about October 19, 2004. Upon release of the official map by the State Geologist, the project must conform to the provisions of the Seismic Hazards Mapping Act. A project specific geotechnical investigation, defining and delineating any liquefaction hazard, may be required prior to issuance of any building or grading permit on the project site.

Development Impact Fees: This project will be subject to Citywide Development Impact Fees. These fees may include fees for fire protection, capital facilities and traffic impact. Residential projects will also be subject to park facilities and park dedication in-lieu fees. These fees shall be calculated at the fee rates in effect at the time of building permit issuance.

Waste Management: This project involves residential construction and shall be subject to the provisions of the California Integrated Waste Management Act of 1989 (AB939). The Act requires that 50% of the waste generated in the City of Fremont be diverted from landfill sites by the year 2000. Additionally, the project is subject to the City's Source Reduction and Recycling Element (1992), an Integrated Waste Management Ordinance (1995), and a Commercial/Industrial Recycling Plan (1997). These documents require that any new project for which a building permit application is submitted to include adequate, accessible, and convenient areas for collecting and loading trash and recyclable materials. Each unit in this development is proposed to have individual trash and recycling carts. BFI Waste Services has approved a site plan indicating the proposed locations of the carts.

Environmental Analysis: A Mitigated Negative Declaration approved for this project by the City Council on December 9, 2003 in conjunction with the approval of the General Plan Amendment and Planned District rezoning. The proposed project is for approval of the Tentative Tract Map 7518, Preliminary Grading Plan and Private Street. The project is a subsequent implementing activity of a previously approved project. No significant change in circumstances has occurred which would require further environmental review.

Public Comment: A letter (enclosed) was received expressing the concerns of the Mission Baptist Church, the adjacent property owner. The letter expresses several concerns regarding the interface between the proposed development and the Church. The issues of concern include the density of the proposed development and other environmental concerns, the availability of water, parking, and the safety of the children at the school particularly during construction. Staff has spoken with Church representatives and explained the current approved status of the Precise Planned District and accompanying environmental review. Staff explained the developer will provide water from the other side of Mission Boulevard subject to approval of Alameda County Water District. The proposed project does provide parking in excess of the City's requirements by ten (10) spaces. The developer has received a copy of the letter and will implement appropriate safety measures during the construction period. The finished development will have fencing at the property line adjoining the Mission Baptist Church.

Response from Agencies and Organizations: No outside response or comment had been received at the time of publication of this report.

Enclosures: Exhibit "A"

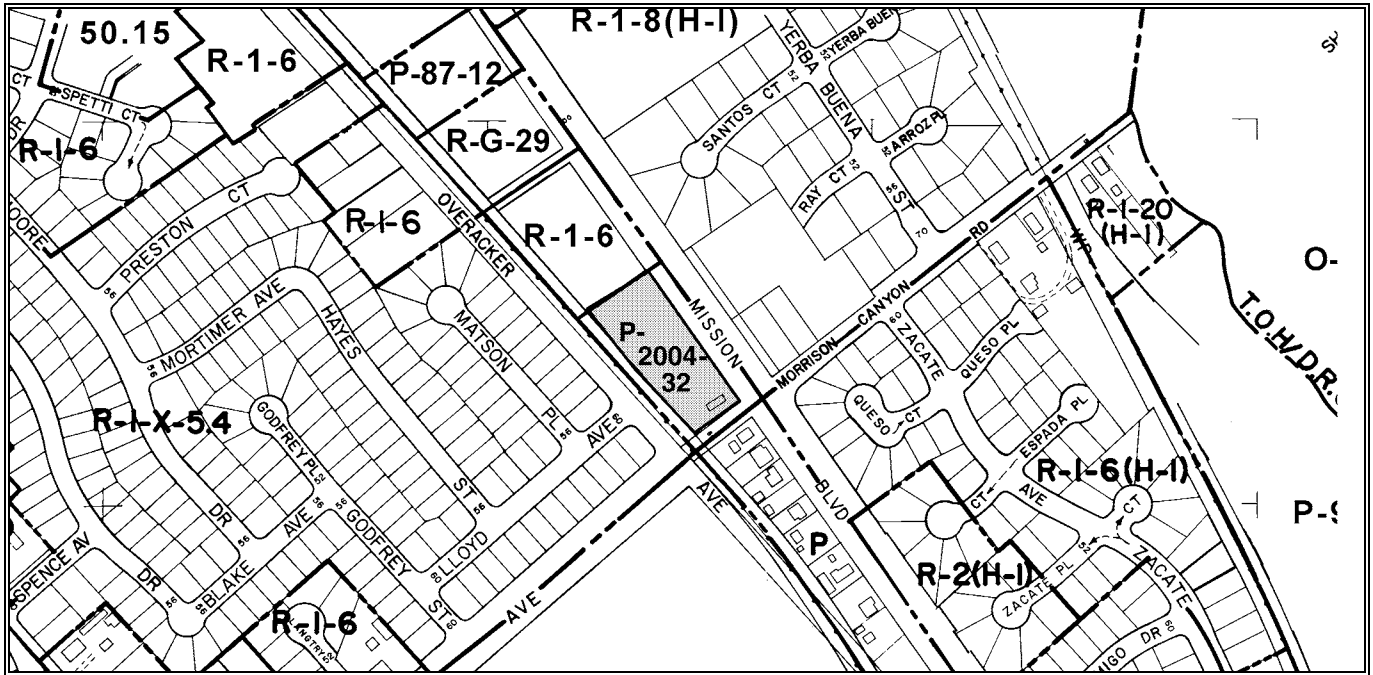
Letter dated May 3, 2004 on behalf of Mission Baptist Church

Exhibits: Exhibit "A" Tentative Tract Map 7518, Preliminary Grading Plan and Private Street
Exhibit "B" Findings and Conditions of Approval
Exhibit "C" Findings and Conditions of Approval
Exhibit "D" Findings and Conditions of Approval

Recommended Actions:

1. Hold public hearing.
2. Find the previously approved Mitigated Negative Declaration with a Certificate of Fee Exemption addresses the proposed project and no further environmental review is required.
3. Find PLN2004-00189 is in conformance with the relevant provisions contained in the City's existing General Plan. These provisions include the designations, goals and policies set forth in the General Plan's Land Use and Housing Chapters.
4. Find PLN2004-00189 per Exhibit "A" (Tentative Tract Map 7518, Preliminary Grading Plan and Private Street) and Exhibit "B" (Findings and Conditions of Approval) fulfills the applicable requirements set forth in the Fremont Municipal Code.
5. Approve PLN2004-00189 in conformance with Exhibit "A" (Tentative Tract Map 7518, Preliminary Grading Plan and Private Street) and Exhibit "B" (Findings and Conditions of Approval).

Existing Zoning
Shaded area represents the Project Site



Existing General Plan

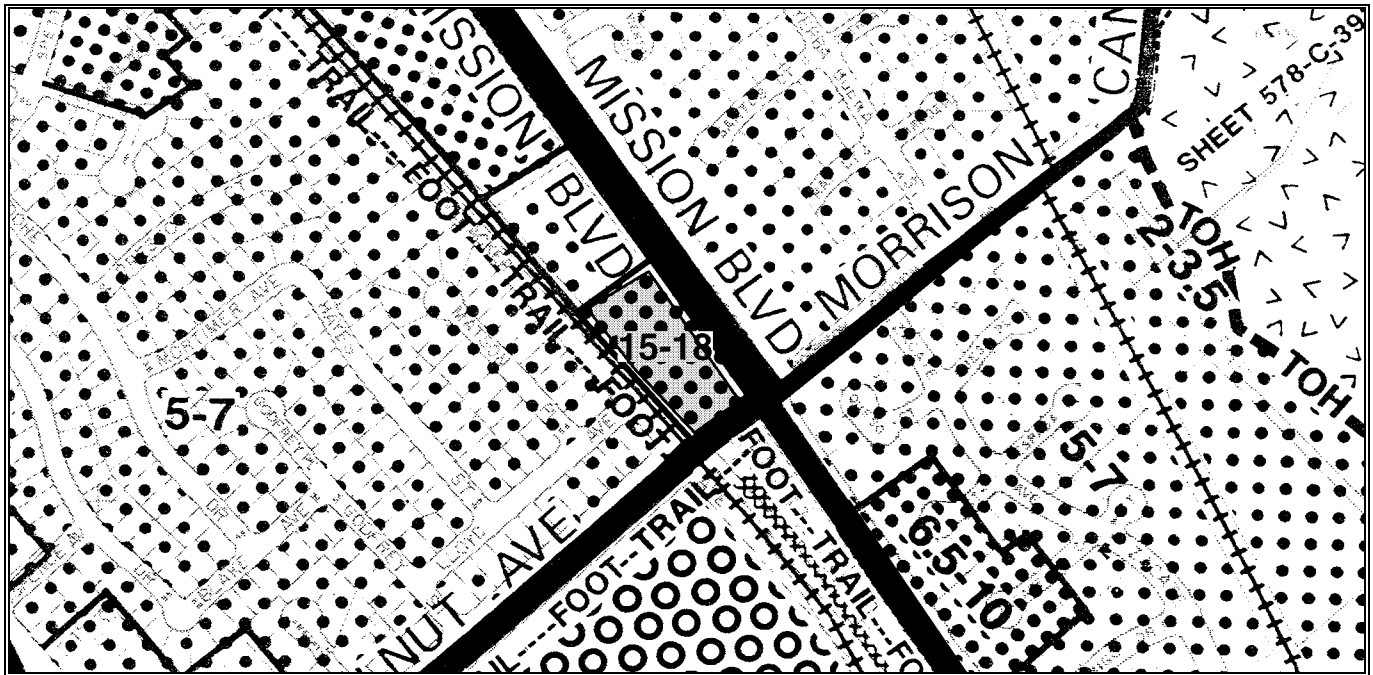


EXHIBIT "B"
WALNUT/MISSION
PLN2004-00189
TENTATIVE TRACT MAP 7518

FINDINGS

The following findings are made based upon the information contained in the staff report as well as information presented at the public hearing, incorporated hereby:

1. The proposed map satisfies the requirements and conditions imposed by the Subdivision Map Act and the City of Fremont Subdivision Ordinance, because the procedural requirements of the Map Act are being followed and the proposed lots conform to the standards as stipulated in the Planned District (P-2004-32) zoning district.
2. The proposed subdivision, together with the provisions of its design and improvement, is consistent with the General Plan and any applicable specific plan, because the proposed development conforms to the requirements of the zoning district as well as the General Plan land use designations for the site.
3. The site is physically suitable for the type and proposed density of the development, because it is consistent with the General Plan and zoning designations for the site.
4. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, because of the design and location of the development.
5. The design of the subdivision and the type of improvements are not likely to cause serious public health problems, because the review process of the subdivision has taken those concerns into consideration and has found the proposal in conformance with the City of Fremont's policies.
6. The design of the subdivision and the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision. Acquisition of any new easements will be required prior to the acceptance of the Final Map for this project.

GENERAL CONDITIONS

1. The project shall conform with staff amended Exhibit "A" (Tentative Map 7518, Private Street, and Preliminary Grading Plan), all conditions of approval set forth herein, and all conditions of approval of Planned District PLN2004-00036.
2. Approval of this Tentative Map shall expire according to the provisions of the State Subdivision Map Act and any amendments thereto and applicable provisions of the Fremont Municipal Code consistent with the State Subdivision Map Act.
3. The streetlight plan and joint trench plan shall be submitted by the applicant with the first subdivision plan check for the street improvement plans and final map. The final streetlight plan and joint trench plan shall be completed prior to final map approval.
4. The developer shall request P.G.&E. to commence with the design of the utility underground work for the proposed development after the Planning Commissions approval of Tentative Tract Map 7518.
5. Precise geometry and location of all driveways shall be subject to approval of the City Engineer. Driveways include the driveways on Mission Boulevard, Walnut Avenue, and on-site driveways for each unit's garage. The driveways on Mission Boulevard and Walnut Avenue shall be modified type "E" driveways.

6. Any development on the newly created lots will be subject to Citywide Development Impact Fees. These fees include fees for fire protection, capital facilities, park facilities, and traffic impact. The fees shall be calculated at the rate in effect at the time of building permit issuance. The fees will be collected prior to building permit issuance.
7. In accordance with Section 66474.9(b) of the Subdivision Map Act, the subdivider shall defend, indemnify, and hold harmless the City of Fremont or its agents, officers, or employees from any claim, action, or proceeding against the City of Fremont or its agents, officers, or employees to attack, set aside, void, or annul, an approval of the City of Fremont, advisory agency, appeal board, or legislative body concerning a subdivision, which action is brought within the time period provided for in Section 66499.37 of the Government Code.
8. The City of Fremont shall promptly notify the applicant of any claim, action, or proceeding to attack, set aside, void, or annul, its approval and shall cooperate fully in the defense thereof.
9. All new utility service connections, including electrical and communications, shall be installed underground.
10. The project plans shall identify Best Management Practices (BMPs) appropriate to the uses conducted on-site to effectively prohibit the entry of pollutants into storm water runoff. The plans will also include storm water measures for operation and maintenance of the project. The subdivider and project civil engineer shall work with City staff to incorporate additional long-term, post-construction BMPs into the project design, prior to final map approval.
11. The developer is responsible for ensuring that all contractors and subcontractors are aware of all storm water quality measures and implement such measures. Failure to comply with the approved construction Best Management Practices will result in the issuance of correction notices, citations, or stop orders.
12. The developer, at time of initial sale, shall provide to the buyer information on good housekeeping of hazardous products, i.e. proper use and disposal, prohibited discharge practices, etc. Informational materials will be furnished by the City.
13. A home owners association or any other mechanism acceptable to the City is to be established, formed, and is to covenant and be responsible for the maintenance of all commonly owned facilities, which are not maintained by the public utility agency. The maintenance responsibility includes, but is not limited to, maintenance work resulting from backfill failure and maintenance of private vehicle access ways. The developer is responsible for maintenance for all facilities during the warranty period.
14. In accordance with the Alameda Countywide NPDES Municipal Stormwater Permit, Order R2-2003-0021, NPDES Permit No. CAS0029831, the property owner shall enter into a maintenance agreement for the long-term operation and maintenance of on-site storm water treatment measures. The agreement shall run with the land and shall be referred to within the CC&Rs for the project.
15. Encroachment permits from Caltrans, Union Pacific Rail Road, and the Alameda County Flood Control and Water Conservation District, shall be obtained prior to approval of the subdivision improvement plans and final map.
16. The parking configurations and dimensions shall conform to the City's standards and Ordinances and shall be reviewed as part of the Development Organization review process. The parking garages shall be reserved for car parking and shall not be used for storage. This requirement shall be incorporated in the project CC&Rs subject to the approval of the City Engineer.
17. Raised curbs shall be provided around planters located between driveway aprons between garages, subject to review and approval of the City Engineer prior to final map approval.

SUBDIVIDER PLEASE NOTE:

The fees, dedications, reservations and/or other exactions imposed on this project are those listed in the foregoing conditions of this tentative tract map approval. The subdivider is hereby notified that the 90-day period in which the subdivider may protest these fees, dedications, reservations and other exactions pursuant to Government Code Section 66020(a) begins on the date of approval of this tentative tract map. If the subdivider fails to file a protest

within this 90-day period complying with all the requirements of Government Code Section 66020, the subdivider will be legally barred from later challenging such actions.

LIQUEFACTION HAZARD: The project site is located in an area identified as having the potential for liquefaction hazards by the State Geologist, on the preliminary State of California Seismic Hazard Zones, Niles Quadrangle map. The permitting and development of the project site shall conform to the requirements of the Seismic Hazard Mapping Act, local ordinances, and policies. Preparation of a site-specific geotechnical investigation to identify the hazard and formulate mitigation measures may be required prior to issuance of any building permit.

EXHIBIT "C"
WALNUT/MISSION
PLN2004-00189
PRIVATE STREET

FINDINGS:

The findings below are made on the basis of information contained in the staff report to the Planning Commission dated January 22, 2004, incorporated herein.

1. The most logical development of the land requires private street access because the physical character of the project is more amenable to the less intense right of way required of a private street.
2. The development of the land is well defined because the design of the subdivision and proposed improvements are in conformance with the City of Fremont's applicable codes and policies.

PRIVATE STREET CONDITIONS OF APPROVAL:

1. The private street shall conform with staff amended Exhibit "A", attached hereto and made a part hereof and all conditions of approval of Tentative Map 7518 (Exhibit "B").
2. This Private Street (PLN2004-189) is being conditionally approved based on the accuracy of the information shown on Exhibit "A" and submitted with the Private Street application. If any of the information is shown to be inaccurate subsequent to approval of the Private Street by the City, such inaccuracy may be cause for invalidating this approval.
3. A Private Vehicle Access Way (PVAW) and a Public Utility Easement (PUE) are to be established over the entire private street right-of-way. The PUE dedication statement on the final map is to recite that the PUE is available for, but not limited to, the installation, access and maintenance of sanitary and storm sewers, water, electrical and communication facilities.
4. Access considerations for the on-site circulation system require space to be reserved for the movement of fire-fighting and emergency vehicles for the protection of both private property and the public. Dedication of emergency vehicle access easements (E.V.A.E.) on the final map over the private street right-of-way will be required. The easement geometry shall be subject to the approval of the City Engineer.
5. Fire hydrants are to be located along the private street as determined by the Fremont Fire Department.
6. Deed restrictions are to be recorded concurrently with the final map to create a mandatory Home Owner's Association or any other mechanism acceptable to the City for those lots with private street frontage which is to covenant and be responsible for the following:
 - a. Maintenance of the facilities in the private street which are not maintained by a public utility agency, except all utility work resulting from backfill failure is to be the responsibility of the Home Owner's Association.
 - b. Payment of the water and private street lighting (maintenance and energy) bills.
 - c. Maintenance, repair, replacement and removal of blockages in all building sewers. Maintenance of the building sewers includes repair of any trench failures and/or trench surface material failures.
 - d. Maintenance and "knock-down" repair of fire hydrants and water facilities along the private street is to be done by the utility agency at the expense of the Home Owner's Association. The Home Owner's Association is to be responsible for repainting any fire hydrants along the private street.

7. Each buyer is to sign an acknowledgment that he/she has read the constitution and bylaws of the Home Owner's Association and the conditions, covenants and restrictions applying to the development.
8. Private street grading and drainage shall be done according to public street standards, subject to review and approval by the City Engineer prior to final map approval.
9. Pursuant to FMC Section 8-1522 and 8-3107, the subdivider is to improve prior to final map approval or agree to improve within one year of final map approval, the private street frontage of the map. No permanent improvement work is to commence until improvement plans and profiles have been approved by the City Engineer. Improvements are to be installed to permanent line and grade in accordance with the City's subdivision improvement standards and to the satisfaction of the City Engineer. The minimum improvements which the subdivider is normally required to construct or agree to construct prior to acceptance and approval of the final map by the City are as set forth in the City Development Policy for Private Vehicle Access ways. Improvements to be constructed include:
 - a. Curb and gutter
 - b. Driveways
 - c. Street paving
 - d. Private Street monuments
 - e. Electroliers (wired underground)
 - f. Drainage facilities
 - g. Signs
 - h. Fire hydrants
10. The private street pavement shall be designed on the basis of a traffic index using predicted traffic generation and a twenty year pavement design life. In no case shall the traffic index be less than 5.5. Asphalt concrete surfacing to be treated with a seal coat of the type and amount required by the City Engineer. Pavement design sections shall be subject to approval of the City Engineer.
11. Safety lighting is to be provided on the private street. Lights shall utilize "vandal resistant" enclosures and shall have sufficient power and spacing to provide an average maintained foot-candle level of 0.12.
12. A signpost, to which is attached a sign having an area of at least fifteen inches by twenty-one inches, is to be installed at or near the private street entrance. The name of the private street is to be placed on this sign in clearly legible four-inch letters. The sign is to have painted, in at least one-inch letters, "Private Property. Not dedicated for public use."
13. Approval of Private Street (PLN2004-00189) shall become effective upon final map approval.

EXHIBIT "D"
WALNUT/MISSION
PLN2004-00189
PRELIMINARY GRADING PLAN

FINDINGS:

No report of approval may be made unless the reviewing agency makes the following findings:

1. The proposed project described in the application will not have an appearance, due to the grading, excavation, or fill, substantially and negatively different from the existing natural appearance.
2. The proposed project described in the application will not result in geologic or topographic instability on or near the site.
3. The proposed project described in the application will not endanger public sewers, storm drains, watercourses, streets, street improvements, or other property; will not interfere with existing drainage courses; and will not result in debris being deposited on any public way. The adequacy of the existing sewer, water and drainage facilities proposed for the project has been reviewed by the different utility agencies. The proposed development will not alter or obstruct the natural flow from abutting properties or divert drainage from its natural watershed. The applicant will be required to submit a plan to control erosion and siltation during and after construction for review and approval by the City Engineer.
4. Conformity, where applicable, to special concerns relating to the adopted Seismic Safety Element and concerns shown on maps issued by the U.S. Geological Survey and the California Division of Mines and Geology shall be accomplished at time of final map. Supplemental data and substantiation of conclusions may be required by the public works director upon city review of the reports.
5. The proposed project described in the application will not unacceptably affect the health, safety, and or welfare of adjacent residents or landowners, nor the citizens of Fremont.

PRELIMINARY GRADING PLAN CONDITIONS OF APPROVAL:

1. The project shall conform to staff amended Exhibit "A", Preliminary Grading Plan (PLN2004-00189), all conditions of approval set forth herein, and all conditions of approval of Tentative Map 7518 (PLN2004-00189).
2. Approval of this preliminary grading plan does not extend to the final detailed design approval necessary to be accomplished in connection with the development plans.
3. Approval of this preliminary grading plan shall run concurrent with the approval and subsequent extensions of Tentative Tract Map 7518.
4. The developer shall provide for a functional drainage system subject to approval of the City Engineer and Alameda County Flood Control and Water Conservation District. Off-site storm drain system improvements may be required in order to conform with City and Flood Control District standards.
5. Site grading shall not obstruct natural flow from abutting properties or divert drainage from its natural watershed.
6. Proposed curb elevations for the street system shall not be less than 1.25 feet above the hydraulic grade line (design water surface) and at no point should the curb grade be below the energy grade line. On-site grades are to be a minimum of 0.75 feet above the hydraulic grade line.
7. The applicant shall provide for a functional system to control erosion and siltation during and after construction subject

to review and approval by the City Engineer and Alameda County Flood Control and Water Conservation District. A separate plan shall be submitted for this purpose.

8. All cut and fill slopes shall be constructed to a maximum of three horizontal to one vertical (3:1).
9. The applicant shall submit a detailed soils report including recommendations regarding structural sections, prepared by a qualified soils engineer registered by the State of California.
10. Grading operations shall be in accordance with recommendations contained in the required soils report and be supervised by an engineer registered in the State of California to do such work. City staff will assume inspection responsibility for street grading at a point six inches below planned subgrade.
11. A disposal site for the off-site haul dirt materials or source for the import fill shall be approved by the City prior to the approval of the grading permit. The off-site haul route for the excess dirt or import fill shall be subject to the approval of the City Engineer.
12. The applicant may be allowed grading deviation up to a maximum of one foot (plus or minus) between the preliminary grading plan and the final grading plan. Deviation over one foot may be referred to the Planning Commission subject to approval of the City Engineer.
13. The minimum drainage slope in swales shall be 1.5%.
14. Retaining walls shall be limited to a maximum height of three feet. All retaining walls supporting surcharge shall be reinforced concrete or approved equal. Pressure treated wood retaining walls will be allowed for retaining walls 12-inches or less in height.